City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
Diane M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2308496

Applicant Name: Greg Blount of Driscoll Architects for Kauri Investments, LTD.

Address of Proposal: 309 NW 41st Street

SUMMARY OF PROPOSED ACTION

Master use permit for future construction of a 4 story residential/commercial building with 3 live work units at street level and 43 apartment units. Parking to be provided on two levels of below grade garage for 61 vehicles.*

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

Design Review, Chapter 23.41, Seattle Municipal Code (SMC) Development Standard Departures from the Land Use Code are requested as follows:

1. Quantity of open space (SMC 23.47.024)
2. Residential lot coverage (SMC 23.47.008D)
3. Non-residential façade requirements (SMC 23.47.008B)

SEPA DETERMINATION: [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

* Project originally noticed as Master use permit for future construction of a 4 story residential/commercial building with 3 live work units at street level and 39 apartment units. Parking to be provided on two levels of below grade garage for 53 vehicles.

BACKGROUND DATA

Site and Vicinity

The subject site is located mid-block on NW 41st Street between Leary Way NW and 3rd Avenue NW at 309 NW 41st Street. NW 41st Street is one block long at this location. The site is arguably located in "Freellard" area between the Fremont and Ballard neighborhoods. The site is just outside of the Ballard-Interbay-Northend Manufacturing/Industrial Center (BINMIC) area boundary which is at NW Leary Way NW.

The site is 14,411 square feet in area and is developed with a single family house on one parcel and a storage/parking/warehouse building on another parcel. The zoning on the south side of NW 41st Street including the subject site is Commercial 1 with a 40 foot height limit. Property to the west of the site is developed with a commercial building "Active Space" which provides office/studio/storage space to individual people and small businesses. Property to the east is developed with a 2-story apartment. Properties to the north, across NW 41st are zoned Lowrise 1 and developed with single family housing. Property to the south is zoned Industrial Buffer and developed with a diversity of commercial/industrial uses.

The topography of the site slopes from the northeast corner to the southwest corner. There are several mature douglas fir trees in the rear yard of the single family home.

Project Description

The proposed project consists of 43 market rate for sale units and 3 live-work units. Parking for 61 vehicles will be provided in two levels of below grade parking garage accessed from NW 41st Street.

The proposed configuration of the live-work units consist of a ground level space which is to be used for both the living and work function and includes a kitchen and bathroom; a loft space includes bedroom space and a bathroom. Access to the units will be from the street through an outdoor patio and via level 1 at the back of the units. All three live-work units will have 17 foot high ceilings and 12 foot deep patios directly off the street. The ground floor includes an area to be used for commercial purposes, and a kitchen and bathroom which is likely to be used for both living and work function. The average ground level area is 564 square feet.

The project proposes 6,147 square feet of open space spread among a roof deck, plaza level, patios and balconies. The roof deck is proposed to provide 2,495 square feet; the plaza on top of the parking garage plinth, the live/work patios, and the side patios combined are proposed to provide 2,736 square feet; and decks on levels 2 through 4 are proposed to provide 916 square feet. The design features

several units that will be able to access the open spaces via large 9 foot high roll up doors instead of typical sliders. Additionally, a 600 square foot common amenity room on level 1 that opens up via a roll up door to the plaza is proposed. This room is envisioned as a common work or party space.

The primary finish materials consist of vertical metal siding and fiber cement panels. The colors and materials on the north elevation (NW 41st Street) are proposed to be brown vertical metal siding with silver, red and green fiber cement panels and accented by grey metal deck railings and natural concrete. Windows are proposed to be vinyl except the live-work units will be aluminum.

Public Comment

Public notice was provided for an Early Design Guidance (EDG) Design Review meeting that was held by the Design Review Board on February 23, 2004. Four members of the public attended the EDG meeting. They shared ideas about providing some expression reminiscent of the Douglas fir trees that are to be removed with the development. Perhaps using some columns made from Douglas fir trees would be fitting. They confirmed that many artists live in the neighborhood, and felt this should be incorporated somehow in the development

Further notice and public comment opportunity was provided as required with the Master Use Permit application. Eight written comments were received during the Master Use Permit comment period that ended on April 28, 2004. One comment letter formatted as a petition was signed by 34 people and expressed concerns about traffic impacts from the project as well as existing traffic on NW 41st Street. Concerns expressed in the other comment letters included; scale of the building, traffic, safety, security, quality of life, light and glare and commercial intrusion into the neighborhood. Additionally, many people asked that the project participate in the Design Review process; the project did participate in the Design Review process. Most of the concerns expressed and impacts identified are citywide issues attributable to the general growth and densification of the city and are not attributable to this specific project; therefore, cannot be mitigated under limited SEPA authority. Some of these issues are discussed under the SEPA analysis in this document.

Public notice was provided for a Recommendation Design Review meeting that was held by the Design Review Board on August 9, 2004. Two members of the public attended the final recommendation meeting. A member of the public asked the architect and developer to use reclaimed wood columns from the douglas fir trees that are to be removed from the site. They presented some photos of a canopy structure using reclaimed wood to demonstrate how this would look. Another member of the public was concerned about the lack of parking. Design related comments expressed concern that the tree locations depicted on the landscaped plans would provide too much shade in the open space and not enough light and air that is desired in the Pacific Northwest. Another concerned expressed was that the unit layout within the structure created some internal units with little light and air.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

PRIORITIES

The Design Review Board members provided the siting and design guidance described below after visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment. The Design Guidelines of highest priority to this project are identified by letter and number below. The Design Review program and City-wide Guidelines are described in more detail in the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings".

A. Site Planning

A-2 Streetscape Compatibility
The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The project site is across the street from existing single family homes. The homes are setback from the street typical of residential development and will be required to continue a similar setback if redeveloped in conformance with the Lowrise 1 zoning. In an effort to be compatible with the other side of the block, the Board feels that the structure should be setback or step backed from the front property line in that a large mass creating a high street wall would not be appropriate at this location.

A-3 Entrances Visible from the Street
Entries should be clearly identifiable and visible from the street.

The building should provide commercial entries and a residential entry. Also, there was discussion of creating some variation of live-work units on the street front (not necessarily live-work meeting the Code definition) in lieu of providing all the commercial space. The Board suggested that if live-work units were proposed that the units should have definable entrances from the street. The Board wants attention devoted to making all the proposed entries clearly identifiable and visible.

A-4 Human Activity
New development should be sited and designed to encourage human activity on the street.

If live work spaces are created then the Board wants to ensure that the spaces still encourage human activity, interest and provide transparent window; and do not result in closed off living space at the street. There was discussion of creating open spaces, stoops, or outdoor artist

work spaces between the building and the street in an effort to activate the street front, provide pedestrian interest and social interaction. There was discussion of creating narrow 2 story storefronts with work space at the street and living space in a loft above. The Board ideally envisioned the setback area as usable open space for the particular units, but also welcoming from the sidewalk. Additionally, the commercial space should be designed and sited to encourage human activity.

A-5 Respect for Adjacent Sites
Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

See A-2, A-3 and A-4.

A-6 Transition Between Residence and Street
For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

See A-2, A-3 and A-4.

A-7 Residential Open Space
Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

It is particularly important if a departure is sought for open space that the spaces be well designed, well sited and usable. Ideally, the Board would like usable open space provided at all three areas, at the plaza/terrace level on the southwest corner, between the street and building and on the roof decks. The plaza/terrace should not be co-mingled with parking.

A-8 Parking and Vehicle Access
Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board was satisfied with the proposed driveway location on the west side of the site. They would prefer not to have any above grade or surface parking.

B-1 Height, Bulk and Scale Compatibility.
Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The project site is across the street from existing single family homes. The homes are setback from the street typical of residential development and will be required to continue a similar setback if redeveloped in conformance with the Lowrise 1 zoning. In an effort to be compatible with the other side of the block, the Board feels that the structure should be setback or step

backed from the front property line in that a large mass creating a high street wall would not be appropriate at this location. Also, see A-3 and A-4.

C-1 Architectural Context.
New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

C-2 Architectural Concept and Consistency.
Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

The Board recognized that this neighborhood exhibits a lot of industrial character, and is an appropriate context for this development. Expressing this in the roof form by creating a saw tooth roof with monitors or clerestories would be appropriate, and expressing the industrial character through use of materials is appropriate.

C-4 Exterior Finish materials.
Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Expressing the industrial character through use of materials is appropriate. Typical residential details would not be in keeping with the industrial character.

C-5 Structured Parking Entrances
The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

Minimize the appearance of the parking access in keeping with this quiet residential street.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances.
Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunity for creating lively, pedestrian-oriented open space should be considered.

See A-3, A-4

D-2 Blank Walls
Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest

The east side wall of the development will be very visible until the adjacent property is developed. The Board asked the Architect to explore and include inexpensive temporary methods to address this blank wall.

D-6 Screening of Dumpsters, Utilities and Service Areas.

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

Retain dumpsters and service areas in the parking garage as proposed.

E. Landscaping

E-2 Landscaping to Enhance the Building and/ or Site.

Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

See A-4 and A-7. The Board envisions the area between the street and the building to be a special feature that enhances the building. The design should include a plaza or terrace area to provide an opportunity to create special place for the residents. The Board discussed "back yard" space for artists or residents at the plaza, but this approach may not provide a welcoming atmosphere for all the residents.

Design Review Board Final Recommendations

The applicant applied for the MUP (Master Use Permit) on March 25, 2004. After initial DPD zoning and SEPA review, the Design Review Board was reconvened on August 9, 2004 to review the project design and provide recommendations. The three Design Review Board members present considered the site and context, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant.

The Board focused their attention on the project entries (A-3), human activity (A-4), open space (A-7), the architectural concept (C-2) and the finish materials (C-4). The Board liked the industrial style of the design and was pleased with the fenestration and modulation. The Board concluded that the architect responded well to the Board's guidance and unanimously recommended conditional approval of the project.

They were pleased with the color and materials presented; although the green shade shown in line with live-work unit 2 received mixed reviews. They hoped that the entire project could include metal windows instead of the vinyl proposed. The architect indicated that the residential units would be vinyl windows. The Board recommended that the live-work units provide aluminum windows throughout even on the 2nd level (C-2 and C-4).

The Board discussed potential ideas about using the reclaimed wood in the landscaping or in an interior space; however, they didn't feel exterior wood columns was appropriate.

The Board discussed the quality of the roof top deck and recommended conditions that would improve the quality of the space in association with the requested open space departure. Larger trees would improve the quality of the spaces and better break up the space into rooms. The Board recommended

a condition to provide 2 inch caliper trees throughout the roof deck or to provide two- 4 inch caliper specimen type trees together with the code required 1 ½ caliper trees (A-7)

During EDG, the Board was particularly concerned about the live-work units in that they really wanted active spaces, and wanted open space in front of the units to be spaces that could function as active artist space and engage pedestrians and passersby. The architect responded to this guidance; however, the Board recommended conditions to improve the visibility of the live-work entries as well as the main entry (A-3, A-4)

Departure from Development Standards

The applicant requested departures from the following Land Use Code development standards:

Requirement	***Proposed***	***Board Recommendations***
SMC 23.47.024 Open Space for residential gross floor area, 7,573 S.F. (20% of 37,863 SF)	6,147 S. F. (16%)	• The Board recommended conditional approval stating that the quality of the open space would better meet the guidance versus a code compliant amount that was of a less quality. The Board wants larger trees than what the code requires.
SMC 23.47.008D Residential Lot Coverage above 13 feet shall be limited to 64% of lot area	68%	• The Board recommended approval in that this was a minor amount of departure. The Board was pleased with the massing, modulation and fenestration of the project.
SMC 23.47.008B Non-residential façade at street level must comprise 80% of the façade and meet minimum dimensions	NW 41st Street-70% of the façade is comprised of the live-work units (non-residential)	• The Board recommended approval in that the live-work units are well designed and will provide for pedestrian interest. The Board recognized that this location would not be ideal for small retail. The 17 foot ceiling height, exterior patios and large roll up doors will hopefully provide potential to enliven the sidewalk.
Non-residential depth must provide a minimum depth of 30 feet	Interior depth is 27 feet 10 inches. Exterior depth is 13 feet.	
Non-residential facade must provide a minimum of 51% (37 feet) of the non-residential façade at or above grade	About 20% or 7 feet is at or above grade. 80% of façade is below grade to a maximum of 3 feet.	

Recommended Conditions

1. To improve the quality of open space, the roof deck open space shall provide at least 2 inch caliper trees for all the trees proposed (8 trees) or provide at least two-4 inch caliper specimen type trees and 1 ½ caliper.
2. To better reinforce the entries, the main pedestrian entrance and the live-work entries must be improved by delineating the entries with a differently textured and colored paving material. Explore improving visibility and grander of the main entrance by using paving, landscaping or canopy.
3. To improve the architectural concept and finish materials, all the live-work unit windows should be aluminum. This includes the 2nd level of the live-work units.

Director's Analysis

The Director concurs with the Design Review Board's determination to approve the proposed design with the above conditions. The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY APPROVED**.

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 25, 2004 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to some limitation". The Overview Policy in SMC

23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality and noise warrant further discussion.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will likely perform an environmental site assessment to identify all hazardous materials requiring abatement, and is required to obtain permits from PSCAA to ensure proper handling and disposal these materials. The permit standards and regulations administered by PSCAA will sufficiently mitigate any adverse impacts to air quality; therefore no further mitigation is recommended pursuant to SEPA 25.05.675A.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties to the north and east are developed with single family homes and multifamily uses

and will be impacted by construction noise. Pursuant to SEPA authority, the applicant shall be required to limit periods of construction to between the hours of 7:30 a.m. and 6:00 p.m. during non-holiday weekdays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Transportation

Construction of the project would involve approximately 2000 cubic yards of grading for the building foundation and subterranean garage. This construction would take place over several weeks or months and generate approximately 200 truck trips if a single truck bed and 114 truck trips if a double truck bed were used.

The Street Use Code requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. The Code also requires truck-trailer or truck semi-trailer used for hauling to use major truck streets and take the most direct route to or from one of the major truck streets to there destination. The Street Use Code regulations adequately mitigate most adverse impacts associated with transportation construction impacts.

The vehicle trips generated from the construction of the project are not expected to generate a significant number of vehicle trips in the peak hours; therefore, are not expected to have an adverse impact on traffic conditions or reduce the level of service at nearby intersections. Thus no mitigation of construction traffic impacts under SEPA is necessary for this project.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased drainage/soil hazards; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion.

Height, Bulk and Scale

The proposed 4-story project will be located in a Commercial 1 zone with a forty foot height limit (C1-40). Abutting property is zoned C1-40 and Industrial Buffer (IB U/45) with unlimited height for industrial uses and 45 feet for specific uses (e.g. - retail sales and service). The site elevation is higher

than the IB zoned properties towards the south. Property to the north, across NW 41st Street is zoned Lowrise 1 (L-1) and is not fully developed to the zone limits. The development consists of mostly single family homes that are 1 to 1 ½ stories tall. Property to the east is zoned C1-40 but is not fully development to the zone limits. The property is developed with a 2 story apartment building.

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the adopted Land Use Polices…for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."* In addition, the SEPA Height, Bulk and Scale Policy states that *"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."* The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines.

The proposed project includes design features that mitigate height, bulk and scale impacts on the less intense L1 zone such as, 12 foot setbacks along NW 41st Street, articulation and modulation. Design details, colors and finish materials will also contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the building. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

Parking

Using the Institute of Transportation Engineers (ITE), Parking Generation Manual, 2nd edition, the peak residential parking demand for this project could be as high as 65 parking spaces and the peak commercial (retail) parking demand could be as high as 2 parking spaces. The proposal includes off-street parking as calculated pursuant to the Land Use Code for 61 vehicles. This means there could be a spillover parking demand of 6 vehicles on the streets which cannot be accommodated in the project's parking garage. However, the peak parking demand times for residential as compared to retail are at different times of the day so the spillover parking demand is likely to be 4 vehicles instead of 6 vehicles. Additionally, ITE data is typically collected in suburban locations with little or no access to transit, so it's likely that demand will be less in an urban location with access to transit.

This site is served regularly by transit; METRO routes 28 and 46 operate along Leary Way NW. Route 28 travels from the neighborhoods north of the site to downtown at 20 minute headways. Route 46 travels from Ballard to the University of Washington during the peak hours only. METRO operates another 13 routes within 1 mile of the subject site according to the METRO website. The routes within 1 mile are routes; 44, 26, 31, 74, 16, 358, 15, 17, 18, 81 and 45. Covered bicycle racks are to be provided in the parking garage which also may decrease parking demand for vehicles.

On-street parking supply that is close to the site is somewhat limited at this location in that NW 41st Street is only one block long, and the other surrounding streets are arterials with limited on-street

parking. However, the parking spillover that is expected to be accommodated on city streets is estimated to be 6 vehicles without adjusting for this urban location, so it is very likely that any spillover can be accommodated by the on-street supply. No SEPA conditioning is required to mitigate adverse parking impacts.

Traffic

The trip generation from the proposed building is not expected to have a significant adverse impact on traffic conditions or reduce the level of service at nearby intersections. The project consists of mostly residential dwelling units which only minimally contribute towards peak hour vehicle trips. Using the Institute of Transportation Engineers (ITE), Trip Generation Manual, 7th edition for Apartment (LUC 220), a 46 unit apartment would generate 31 PM peak hour vehicle trips. ITE data is typically collected in suburban locations with little or no access to transit, so it's likely that trip generation will be less in an urban location with access to transit. Therefore, no mitigation of traffic impacts under SEPA is necessary for this project.

Other Impacts

The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of Master Use Permit

Revise the MUP drawings to document compliance with the following;

1. To improve the quality of open space, the roof deck open space shall provide at least 2 inch caliper trees for all the trees proposed (8 trees) or provide at least two-4 inch caliper specimen type trees and 1 ½ caliper.
2. To better reinforce the entries, the main pedestrian entrance and the live-work entries must be improved by delineating the entries with a differently textured and colored paving material. Explore improving visibility and grander of the main entrance by using paving, landscaping or canopy.

3. To improve the architectural concept and finish materials, all the live-work unit windows should be aluminum. This includes the 2nd level of the live-work units.

Prior to the Final Certificate of Occupancy

1. Install the features described in numbers 1, 2 and 3 above.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

Prior to Issuance of the Master Use Permit and Building Permit Issuance

1. The owner or responsible party shall embed into the updated MUP plans the 11x 17 inch version of the August 9, 2004 colored presentation drawings and embed these into the building permit set.

During construction

2. All changes to approved plans with respect to the exterior façade of the building and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of Certificate of Occupancy

3. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris- 206-684-7744) or by a Land Use Planner Supervisor (Cheryl Waldman- 206-233-3861). Inspection appointments must be made at least 3 working days in advance of the inspection.

CONDITIONS SEPA

Prior to Issuance of Master Use Permit

The owner(s) and/or responsible party(s) shall:

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Signature: (signature on file) Date: December 27, 2004
Jess E. Harris, AICP, Senior Land Use Planner

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